

REMARKS

Claims 68-81 were pending in the application. Claim 70 has been canceled without prejudice herein. Claim 68 has been amended. Support for the amendments can be found in the specification as filed and/or the claims as previously pending. No new matter has been added.

The amendments to claims are solely in the interest of expediting prosecution and allowance of the present application and are not related to issues of patentability. Applicants reserve the right to pursue the claims as originally filed in this or separate application(s).

Restriction Requirement

The Examiner's comments with respect to the elected claims are acknowledged. Should claim 68 be found allowable, it is Applicants' understanding that all claims depending therefrom will be considered, even though they may not read on the species elected for search purposes. All of the pending claims ultimately depend from claim 68.

Objection to Claim 68

The Examiner objects to the use of the terms "first" and "second" in claim 68. As suggested by the Examiner, these terms have been removed from the claim. Therefore, it is believed that this objection has been obviated and it is respectfully requested that the rejection be reconsidered and withdrawn.

Rejection of Claims 68, 71, 73, 78, and 80

The Examiner rejects claims 68, 71, 73, 78, and 80 under 35 U.S.C. 103(a) as being unpatentable over Emerson (US 2002/0022021) in view of Haenlin et al, Matthews et al, Cubbada et al, Wu et al, Hicar et al, and Ting et al. This rejection is respectfully traversed.

Independent claim 68 is directed to a method for identifying a compound which downmodulates Th2 cell differentiation comprising:

- (a) providing an indicator composition comprising a mammalian polypeptide comprising a Kappa Recognition Component (KRC) polypeptide and a mammalian GATA3 polypeptide;
- (b) contacting the indicator composition with each member of a library of test compounds; and
- (c) selecting from the library of test compounds a compound of interest that downmodulates the ability of the mammalian KRC polypeptide and the mammalian GATA3 polypeptide to interact as compared to an appropriate control; and
- (d) further comprising testing the ability of a compound identified in step (c) to downmodulate Th2 cell differentiation and selecting a compound which downmodulates Th2 cell differentiation, to thereby identify a compound which downmodulates Th2 cell differentiation.

Applicants hereby officially enter the Liew et al reference and the Tsai et al reference, previously submitted with the Request for Continued Examination filed on September 9, 2011 as Appendices A and B, respectively, into the record in the Supplemental Information Disclosure Statement filed herewith. Applicants reiterate the substance of their arguments previously made with respect to these references herein. Applicants further note that the limitations of claim 70 have been included in base claim 68. As claim 70 was not subject to this rejection, it is believed that the rejection has been obviated by the instant amendment. In view of the foregoing, it is respectfully requested that this rejection be reconsidered and withdrawn.

Rejection of Claims 70 and 81 Under 35 U.S.C. 103(a)

Claims 70 and 81 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Emerson (US 2002/0022021) in view of Haenlin et al, Matthews et al, Cubbada et al, Wu et al, Hicar et al, and Ting et al as applied to claims 68, 71, 73, 78, and 80, and further in view of Lee et al and Wu et al. This rejection is respectfully traversed.

The Examiner acknowledges that none of the references provide literal support for the limitations of claim 70, which have been incorporated into claim 68. The Examiner states, however that Ting et al teach that GATA-3 is involved in T cell development and that Wu et al suggest that KRC is involved in T cell development. The Examiner further states that Lee et al.

taught that IL-5 is restricted to the Th2 subset of helper T cells and that a cis-regulatory element of the IL-5 promoter that confers Th2-specific expression is recognized by GATA3, which is preferentially expressed in T cells.

In order to support a case of prima facie obviousness, the prior art must provide a basis for the modification of the teachings disclosed therein. *Riverwood Int'l Corp. v. The Mead Corp.*, 212 F.3d 1365 (Fed. Cir. 2000). Moreover, a conclusion of obviousness cannot derived from Applicant's specification. *W.L. Gore & Assoc. v. Garlock, Inc.*, 721 f.2 1540 (Fed. Cir. 1983). Using the Applicant's disclosure as a blueprint to reconstruct the claimed invention from isolated pieces of the prior art contravenes the statutory mandate of Section 103, which requires judging obviousness at the point in time when the invention was made. *Grain Processing Corp. v. American Maize-Prods. Co.*, 840 F.2d 902 (Fed. Cir. 1988). Moreover, the prior art must provide a reasonable expectation that the proposed modification would succeed. *In re Dow Chem. Co.*, 837 F.2d at 473.

The cited art fails to teach or suggest the claimed invention which is directed to a screening method and fails to provide the motivation to develop such a screening method. Applicants respectively request that the motivation relied upon be pointed to. Moreover, given the teachings in the art, there was no reasonable expectation of success that such a screening method would be successful. It could not have been predicted that a Shn CCHC zinc finger would bind to the Drosophila GATA-1 homologue, let alone whether KRC would bind to GATA-3, let alone that one could identify a compound of interest that *downmodulates* Th2 cell differentiation by selecting from the library of test compounds a compound that *downmodulates* the ability of the mammalian KRC polypeptide and the mammalian GATA3 polypeptide to interact as compared to an appropriate control; and further comprising testing the ability of that compound to *downmodulate* Th2 cell differentiation as presently claimed.

SUMMARY

Applicants respectfully submit that the above-identified application is in condition for allowance. If a telephone conversation with Applicants' attorney would expedite prosecution of the above-identified application, the Examiner is urged to call the undersigned at the number indicated below.

Applicants believe that no additional fee is due with this submission; however, if the Applicants are in error, the Commissioner is hereby authorized to charge any such deficiency to Deposit Account No. 12-0080, under Order No. HUI-045CP2USRCE, from which the undersigned is authorized to draw.

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Respectfully submitted,

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